

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.4621 OF 2016

Mr. Yasin Yusuf Solanki & Anr. ...Petitioners
Versus
The State of Maharashtra & Anr. ...Respondents

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Ms Seema Santosh Singh for the Petitioners.
Mr. N.B. Patil, APP for the Respondent No.1-State.
Mr. M. Majid Siddiqui for the Respondent No.2.

**CORAM : A.S. OKA &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 22nd MARCH, 2017.

P.C.:-

Rule. The learned counsel appearing for the second Respondent waives service of notice. The learned APP for the first Respondent waives service of notice. Forthwith taken up for final disposal.

2. The second Respondent is the daughter-in-law of the first Petitioner. According to the case of the second Respondent, the first Petitioner is married to the second Petitioner. The prayer is for quashing the First Information Report registered at the instance of the second Respondent for the offences punishable under sections 354, 504 and 506 read with 34 of the Indian Penal Code (for short 'IPC').

3. There is an affidavit filed by the second Respondent in which a settlement between the first Petitioner and the second Respondent has been spelt out. It is recorded therein that the Petitioners will shift to native place and settle there permanently and will not interfere in the matrimonial life of the second Respondent. The learned counsel appearing for the Petitioners on instructions states that the statement recorded in the affidavit of the second Respondent is correct.

4. Perusal of the First Information Report shows that the real dispute is between the first Petitioner and his daughter-in-law i.e. second Respondent. It appears that there was a dispute concerning flat occupied by the second Respondent. It appears that now the first Petitioner has agreed to shift to his native place.

5. Considering the fact that the dispute between the first Petitioner - father-in-law and the second Respondent -daughter-in-law is settled, we are of the view that this is a fit case to exercise power under section 482 of the Code of Criminal Procedure, 1973. It is true that offence alleged under section 354 of IPC is of very serious nature. In the peculiar facts of the case, the offence under section 354 of IPC was alleged by the second Respondent against her 70 years old father-

in-law. Moreover, there is a serious doubt whether the offence is made out. Considering the settlement of the dispute between the first Petitioner and the second Respondent, it cannot be said that the offence alleged is against the society at large.

6. Accordingly, we pass following order:

“Rule is made absolute in terms of prayer clause (a), which reads thus:

(a) That this Hon'ble Court exercising powers under article 226 of the Constitution of India 1950 and under section 482 of the Criminal Procedure code 1973, may be pleased to quash and set aside the FIR/complaint lodged by the Respondent No.2/Orig. Respondent No.2 with the Khar Police Station vide C.R. No.405 of 2016, under sections 354, 504, 506 and 34 of IPC on such terms and conditions as this Hon'ble Court may deem fit and proper.”

(ANUJA PRABHUDESSAI, J.)

(A.S. OKA, J.)